

**1. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
COMPLIANCE RECORD FOR CATEGORICAL EXCLUSIONS (CX)
U.S. Department of Interior
Bureau of Land Management**

PART I – PROPOSED ACTION

BLM Office:

Tucson Field Office

NEPA No.:

DOI-BLM-AZ-G020-2016-0003-CX

Proposed Action Title:

Cochise County Temporary Use Permit (Moson Road)

Case File No.:

AZA-36820

Applicant:

Cochise County

Location of the Proposed Action:

Gila and Salt River Meridian, Arizona; T. 21 S., R. 21 E., Section 23, NW¼SW¼.
Adjacent to the City of Sierra Vista, Cochise County, Arizona

Description of Proposed Action:

On September 16, 2015, Cochise County submitted an application for a Temporary Use Permit (TUP) AZA-36820, for access and a temporary work area in order to stabilize a section of Moson Road. Under the Proposed Action, the BLM would issue Cochise County a Right-of-Way Temporary Use Permit (TUP) for access across a 10' X 350' road and a work area of 100' X 200'. The TUP would be for 3 years with an expiration date of November 2018. The need for the project is to replace and repair a gabion drop structure to avoid further erosion and head-cutting into this portion of Moson Road. Cochise County would follow established Best Management Practices (BMPs) as required by ADEQ's Storm Water Pollution Plans. Upon completion of work the disturbed area would be cleaned, back dragged, and raked.

PART II – PLAN CONFORMANCE REVIEW

This proposed action is subject to the following land use plan(s): This proposed action conforms, and is in accordance with the decisions of the following land use plan: The Phoenix Resource Management Plan, September 29 1989 (Phoenix RMP).

Decisions and page nos.: Page 14. Even though it is not specifically provided for, the Phoenix RMP does allow the following statement: "Land use authorizations (rights-of-way, leases, permits, easements) would continue to be issued on a case by case basis".

Date plan approved/amended: September 29, 1989.

This proposed action has been reviewed for conformance with these plans (*43 CFR 1610.5-3, BLM Manual 1601.04.C.2*).

PART III – NEPA COMPLIANCE DETERMINATION REVIEW

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 Section E(17): Grant of a short rights-of-way for utility service or terminal access roads to an individual residence, outbuilding or water well.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

And

A. Extraordinary Circumstances Review: In accordance with 43 CFR 46.215, any action that is normally categorically excluded must undergo sufficient environmental review to determine if it meets any of the 12 Extraordinary Circumstances described. If any circumstances applies to the action or project, and existing NEPA documentation does not adequately address it, then further NEPA analysis is required.

IMPORTANT: Appropriate staff should review the circumstances listed in Part IV, comment and initial for concurrence. Rationale supporting the concurrence should be included in the appropriate block.

PART IV – EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION

PREPARERS:	DATE:
/s/Linda L. Dunlavey Linda Dunlavey – Realty Specialist	11/5/2015
Marcia Radke – Wildlife Biologist–	
Amy Sobiech - Archaeologist	
/s/ Ben Lomeli Ben Lomeli – Hydrologist	11/5/2015

/s/Amy Markstein		11/5/2015	
PLANNING & ENVIRONMENTAL SPECIALIST		DATE	
The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(1)) apply. The project would:			
(a) Have significant impacts on public health or safety.			
Yes	No X	Rationale: This action would not have any significant impacts on public health or safety.	Preparer's Initials LLD
(b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.			
Yes	No X	Rationale: No significant impacts are expected to the natural resources and unique geographic characteristics such as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; and other ecologically significant or critical areas.	Preparer's Initials LLD
(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].			
Yes	No X	Rationale: The proposed action is not controversial nor are there any unresolved conflicts concerning alternative uses of available resources. The proposed project is in a previously disturbed area which exists within the Moson Road Corridor.	Preparer's Initials LLD
(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.			
Yes	No X	Rationale: Significant environmental effects are not expected.	Preparer's Initials LLD
(e) Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.			
Yes	No	Rationale: Future actions regarding this project, if any, would require processing in accordance with laws, regulations, and policy and does not establish a	Preparer's Initials LLD

	X	precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects. Any additional proposals would be analyzed and a separate decision would be arrived at based on that analysis.	
(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.			
Yes	No X	Rationale: The effects of the proposed action would be limited to the issued TUP.	Preparer's Initials LLD
(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.			
Yes	No X	Rationale: No properties listed, or eligible for listing, on the National Register of Historic Places are within the boundary of the project area nor would any properties be affected by the proposed proposed project because no sites have been identified on the property site. The proposed action must be in accordance with the attached stipulations.	Preparer's Initials LLD, AS
(h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.			
Yes	No X	Rationale: No listed species or species proposed to be listed or critical habitat or proposed critical habitat are found within the project footprint for the proposed action. There are also no BLM sensitive, or state species of greatest conservation need, found on the project site. A threatened and endangered effects determination document was prepared as documentation for the no effects determination.	Preparer's Initials MR
(i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.			
Yes	No X	Rationale: No laws or requirements imposed for the protection of the environment would be violated.	Preparer's Initials LLD, AS
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).			
Yes	No X	Rationale: The effects to the population as a whole resulting from the proposed action would be the same.	Preparer's Initials LLD
(k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).			
Yes	No X	Rationale: No limitations to access sacred or any other sites would result from the proposed action.	Preparer's Initials AS
(l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native			

invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).			
Yes	No X	Rationale: This project would not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species. The proposed action must be in accordance with the attached stipulations.	Preparer's Initials LLD
<p>PART V – COMPLIANCE REVIEW CONCLUSION</p> <p>I have reviewed this plan conformance and NEPA compliance record, and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required.</p> <p>MITIGATION MEASURES/OTHER REMARKS: See Attached Stipulations</p> <p>APPROVING OFFICIAL: /s/Karen Simms DATE: 11/5/2015</p> <p>TITLE: Acting Field Manager</p>			

Note: The signed conclusion on this compliance record is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. A separate decision to implement the action should be prepared in accordance with program specific guidance.